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noted. Attention is called with regret to the absence of any Table of Cases, which ought not to be omitted even in a book of this character.

The earlier editions of Mr. Conyngton's book were received with favor and the additions which he has made both in text and forms will make this present edition still more valuable. It is only a manual, as it purports to be, but there is undoubtedly a place for it, and it will be found by the corporation lawyer and by the corporation officer a very useful book to have ready at hand.

H. W. R.

*A Treatise on the Interstate Commerce Act.* By Henry S. Drinker, Jr. 2 vols. pp. xxii, 1140. Philadelphia. George T. Bisel Co. 1909.

This work consists of five parts: (1) the text of the Act with the successive amendments incorporated in it; (2) a discussion of the various provisions; (3) the practice under them, before the Commission and the courts; (4) a digest of the decisions under the Act, both of the Commission and the courts; and (5) the text of the Act and its several amendments in chronological order.

The author writes in good literary form, and has given careful consideration to his subject.

The historical conditions, justifying the passage of the original statute, are clearly set out (p. 54). Had it been passed at the beginning of our railroad building, capital would have turned another way, and few roads would ever have been constructed. It was enacted because, and not until, there were so many, that competition was producing fraud, favoritism and bankruptcy (p. 60). The author is of opinion that further amendments might be desirable; among them (p. 65) that of making findings of fact by the Commission, in cases not involving claims for damages, conclusive. Such a change would seem to be quite in the teeth of the Hepburn Act of 1906, which repealed the provision making the findings of the Commission *prima facie* evidence, as well as opposed to public sentiment, if not to constitutional guaranties, respecting trial by jury.

The most important part of the treatise is its discussion of the views of the general purposes of the Act and its amendments, stated in judicial opinions. The field was so new a one for

Congress to enter that it is not surprising that the opinions of the Supreme Court have not been altogether harmonious.

The vexed question as to what business, conducted wholly within a state, may come under the Act by its connection with transportation beyond its limits receives full attention (p. 79). The author makes the suggestion, among others, as to this (p. 89): that on principle, if a man in Buffalo sells and ships goods to a man in New York *via* the Erie Railroad, which passes through Pennsylvania, while the transportation is of an interstate character, the commerce is intra-state. The parties to this commerce, however, that is, to the buying and selling, must have contemplated this mode of transportation as the mode, or a proper mode, of effecting the transfer of title.

"Group rates" are fully treated (p. 112) and the reasons for them well explained. The refusal to sanction as a general principle a rule of charging heavy shippers less than small shippers is put on its true ground, as illogical but necessary (pp. 123-408).

The digest of decisions occupies the larger part of the second volume. The arrangement is, in the main, chronological; but each case has a case number, which makes a reference to it easy. Except as an historical exhibit of the growth of a certain body of law on a new topic, this digest, or string of syllabuses, adds little to the value of the treatise.

The chapters on Practice are sufficiently full, in connection with the prescribed Rules and Forms, to enable any lawyer to institute or defend proceedings before the Commission, without any special previous experience in such matters. S. E. B.

*Elements of the Law of Damages.* By Arthur George Sedgwick. Little, Brown & Co. 1909. Second edition. pp. 403. One Volume.

After a lapse of thirteen years, during which time the law has developed, the author has seen fit to publish a second edition. The chief additions relate to Mental Suffering, especially as to the bearing upon the question of its allowance of the doctrine of Proximate Cause, Death by Wrongful Act, Liquidated Damages, Damages as Affected by the Conflict of Laws, Pleading and Practice, etc.